



# TOWN OF NEEDHAM, MA

PLANNING AND COMMUNITY  
DEVELOPMENT DEPARTMENT

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NEEDHAM, MA 02492

2015 MAR -3

500 Dedham Ave  
Needham, MA 02492

781-455-7500

## PLANNING

### DEFINITIVE SUBDIVISION DECISION

#### 36 Rockwood Lane

Chris Kotsiopoulos, Individually and as Trustee, Wayside Realty Trust

February 24, 2015

DECISION of the Planning Board of the Town of Needham, Massachusetts, (hereinafter together with any entity succeeding the powers of said Planning Board referred to as the Board) on the petition of Chris Kotsiopoulos, Individually and as Trustee, Wayside Realty Trust, 36 Rockwood Lane, Needham, Massachusetts (to be referred to hereinafter as the Petitioner) for property located at 36 Rockwood Lane, Needham, Massachusetts. The subject land is shown on Assessors Plan No. 17 as Parcels 22, 23, and 24 and Plan No. 20 as Parcels 57, 60 and 61. The land is further described as follows:

Beginning at a re-bar on the southerly line of Rockwood Lane at the end of the public right of way; Thence S 51° 47' 23" W, Eighty six and eighty-three hundredths feet (86.83') by land now or formerly of Fooksa, to a re-bar; Thence N 53° 54' 39" W, One hundred nine and twenty-seven hundredths feet (109.27'), by land now or formerly of Jalia and Vielhauer to a point; Thence N 35° 01' 03" W, Two hundred twenty and thirty-seven hundredths feet (220.37') by land now or formerly of Levitt, Lavrentios and McNeilly to a point; Thence S 60° 30' 43" W, Fifty nine and forty-two hundredths feet (59.42') by land now or formerly of McNeilly to a point; Thence S 01° 40' 13" W, a distance of thirteen and seven hundredths feet (13.07') by land now or formerly of Smith, to a point; Thence N 07° 03' 10" E, Seventy seven and sixty-two hundredths feet (77.62') by land now or formerly of Smith to a point; Thence N 12° 04' 08" E, Sixty Two and ninety hundredths feet (62.90') by land now or formerly of Smith and Fradkin to a point; Thence N 15° 52' 50" E, Eighty three and eighty-nine hundredths feet (83.89') by land now or formerly of Fradkin and O'Hara to a point; Thence N 19° 03' 39" E, Fifty-six and eleven hundredths feet (56.11') by land now or formerly of O'Hara to a re-bar; Thence S 88° 37' 30" E, One hundred twenty and ninety-two hundredths feet (120.92') by land now or formerly of the Town of Needham to a point; Thence N 25° 14' 30" E, One hundred ten feet (110.00') by land now or formerly of the Town of Needham to a point; Thence S 88° 37' 30" E, One hundred thirty nine and eighteen hundredths feet (139.18') by land now or formerly of the Town of Needham to a point; Thence S 25° 04' 43" W, One hundred ten and twenty-two hundredths feet (110.22') by land now or formerly of Fitzgerald to a point; Thence S 00° 12' 55" W, Three hundred ninety and seven hundredths feet (390.07') by land now or formerly of Lovett, Katsh, Edelstein, Zhang and Lee to a point on the Northerly side of Rockwood lane; Thence S 13° 46' 03" E, Fifty-two and seven hundredths feet (52.07') by the line of Rockwood Lane to the point of beginning.

Containing one hundred thirty-two thousand eight hundred ninety-one (132,891) square feet or 3.051 acres of land more or less, as shown on a plan entitled, "Subdivision Plan of Land, Needham, Norfolk County, Massachusetts", Scale 1"=40', dated May 6, 2014, by Samiotes Consultants, Inc.

This decision is in response to an application for approval by the Petitioner of a Definitive Subdivision Plan submitted to the Board on May 7, 2014, under Massachusetts General Laws, Chapter 41, Sections 81-K through 81-GG, inclusive.

If approved, the plan would create nine (9) building lots. Presently, one of the parcels is occupied by a single family dwelling and associated accessory structures, driveways and yard area. All of the lots would have access from a new roadway that would be a private way extension of the existing public Rockwood Lane (hereinafter the Private Way).

After causing notice of the time and place of its public hearing and of the subject matter thereof to be published, posted and mailed to the Petitioner, abutters and other parties in interest, as required by law, Martin Jacobs, Chairperson of the Board, called the hearing to order on Tuesday, June 10, 2014 at 8:30 p.m. in the Charles River Room, first floor, Public Services Administration Building, 500 Dedham Avenue, Needham, Massachusetts. The hearing was continued to Wednesday, August 6, 2014 at 7:30 p.m. in the Charles River Room of the Public Services Administration Building, 500 Dedham Avenue, Needham, Massachusetts. The hearing was continued to Tuesday, September 2, 2014 at 8:00 p.m. in the Charles River Room of the Public Services Administration Building, 500 Dedham Avenue, Needham, Massachusetts. The hearing was continued to Tuesday, October 7, 2014 at 8:00 p.m. in the Charles River Room of the Public Services Administration Building, 500 Dedham Avenue, Needham, Massachusetts. The hearing was continued to Wednesday, November 5, 2014 at 8:00 p.m. in the Charles River Room of the Public Services Administration Building, 500 Dedham Avenue, Needham, Massachusetts. The hearing was continued to Monday, December 15, 2014 at 7:30 p.m. in the Charles River Room of the Public Services Administration Building, 500 Dedham Avenue, Needham, Massachusetts. Board members Bruce T. Eisenhut, Elizabeth J. Grimes, Martin Jacobs, and Jeanne S. McKnight were present throughout the June 10, 2014, August 6, 2014, September 2, 2014, October 7, 2014, November 5, 2014 and December 15, 2014 proceedings. Board member Sam Bass Warner was present for all of the proceedings except the hearing occurring on November 5, 2014. Pursuant to Massachusetts General Laws Chapter 39, Section 23D, Adjudicatory Hearing, adopted by the Town of Needham in May of 2009, Mr. Warner examined all evidence received at the missed session and listened to an audio recording of the meeting. The deadline for action on the application was extended by the Board upon request of the Petitioner until March 7, 2015. The record of the proceedings and submissions upon which this approval is based may be referred to in the office of the Town Clerk or the Planning Board Office.

The Board met on February 24, 2015, to deliberate on the proceedings and to consider the evidence. Submitted for their deliberations prior to the close of the public hearing were the following exhibits.

- Exhibit 1 - Application for Approval of a Definitive Subdivision Plan, dated May 7, 2014.
- Exhibit 2 - Letter to Lee Newman, Director of Planning and Community Development, from George Giunta, Jr., Attorney, dated May 7, 2014.
- Exhibit 3 - Letter to Bruce Eisenhut, Chairman of the Planning Board, from Stephen Garvin, Samiotes Consultants, Inc., dated May 6, 2014.
- Exhibit 4 - Description of Land proposed to be subdivided.
- Exhibit 5 - Lot Closures.
- Exhibit 6 - The Plan entitled, "Definitive Subdivision Plan of Rockwood Lane Extension, Needham, Massachusetts", prepared by Samiotes Consultants, Inc., 20 A Street,

Framingham, MA 01701 consisting of thirteen (13) Sheets; Sheet No. 1, Cover Sheet entitled "Definitive Subdivision Plan, Rockwood Lane Subdivision, Needham, Massachusetts", dated May 6, 2014; Sheet No. 2, Sheet Ex-1.1, entitled "Existing Conditions Plan", dated May 6, 2014; Sheet No 3, entitled "Subdivision Plan of Land", dated May 5, 2014; Sheet 4, Sheet CS-1.1, entitled "Soil Erosion and Sediment Control Plan", dated May 6, 2014; Sheet No. 5, Sheet CE-1.1, entitled "Site Layout Plan", dated May 6, 2014; Sheet No. 6, Sheet CE-2.1, entitled "Site Grading Plan", dated May 6, 2014; Sheet No. 7, Sheet CE-3.1, entitled "Site Utilities Plan", dated May 6, 2014; Sheet No. 8, Sheet CE-4.1, entitled "Proposed Road and Profile Plan", dated May 6, 2014; Sheet No. 9, Sheet CE-5.1, entitled "Site Details," dated May 6, 2014; Sheet No. 10, Sheet CE-5.2, entitled "Site Details," dated May 6, 2014; Sheet No. 11, Sheet CE-5.3, entitled "Site Details," dated May 6, 2014; Sheet No. 12, Sheet L1, entitled "Landscape Plan," dated May 6, 2014; Sheet No. 13, Sheet L2, entitled "Landscape Notes and Details," dated May 6, 2014.

- Exhibit 7 - Stormwater Management Hydrology Calculations for Rockwood Lane Subdivision, 36 Rockwood Lane, Needham, MA, prepared by Samiotes Consultants, Inc., 20 A Street, Framingham, MA 01701, dated May 6, 2014.
- Exhibit 8 - Email from Alicja Zukowski, Samiotes Consultants, Inc., to Fire Chief Paul Buckley with attached plan, dated May 29, 2014.
- Exhibit 9 - Letter from Gregg Fradkin, 99 Tudor Road, to the Planning Board, dated June 5, 2014.
- Exhibit 10 - Letter from Martin Sklar, 60 Richard Road, to the Planning Board, dated June 5, 2014.
- Exhibit 11 - Letter from Bonnie Shuer, 37 Richard Road, to the Planning Board, dated June 5, 2014.
- Exhibit 12 - Letter from Kurt and Jodi Lockwood, 131 Bird Street, to the Planning Board, dated June 5, 2014.
- Exhibit 13 - Letter from the Residents of Tudor Road, Richard Road, Rockwood Lane, to the Planning Board, dated June 5, 2014 with attachments.
- Exhibit 14 - Letter from Janet Bernardo, Senior Project Manager, Horsley Witten Group, to Lee Newman, Director of Planning and Community Development, dated June 5, 2014.
- Exhibit 15 - Letter from Robert T. Smart, Jr., Attorney, to Lee Newman, Director of Planning and Community Development, dated June 5, 2014.
- Exhibit 16 - Letter to Lee Newman, Director of Planning and Community Development, from George Giunta, Jr., Attorney, dated June 10, 2014.
- Exhibit 17 - Letter to Theodora Eaton, Town Clerk, from Lee Newman, Director of Planning and Community Development, dated June 26, 2014 with attachment.

- Exhibit 18 - Letter to Planning Board Members and Lee Newman, Director of Planning and Community Development, from Stephen Garvin, Samiotes Consultants, Inc., dated July 3, 2014.
- Exhibit 19 - Plan entitled, "Rockwood Lane Subdivision", prepared by Samiotes Consultants, Inc., 20 A Street, Framingham, MA 01701, Sheet C-1.0, entitled "Site Layout Plan with 60'R Cul-de-Sac," dated July 3, 2014.
- Exhibit 20 - Plan entitled, "Definitive Subdivision Plan, Rockwood Lane Extension, Needham, Massachusetts", prepared by Samiotes Consultants, Inc., 20 A Street, Framingham, MA 01701 consisting of thirteen (13) Sheets; Sheet No. 1, Cover Sheet entitled "Definitive Subdivision Plan, Rockwood Lane Subdivision, Needham, Massachusetts", dated May 6, 2014, revised July 3, 2014; Sheet No. 2, Sheet EX-1.1, entitled "Existing Conditions Plan", dated May 6, 2014; Sheet No 3, entitled "Subdivision Plan of Land", dated May 6, 2014, revised July 3, 2014; Sheet 4, Sheet CS-1.1, entitled "Soil Erosion and Sediment Control Plan", dated May 6, 2014, revised July 3, 2014; Sheet No. 5, Sheet CE-1.1, entitled "Site Layout Plan", dated May 6, 2014, revised July 3, 2014; Sheet No. 6, Sheet CE-2.1, entitled "Site Grading Plan", dated May 6, 2014, revised July 3, 2014; Sheet No. 7, Sheet CE-3.1, entitled "Site Utilities Plan", dated May 6, 2014, revised July 3, 2014; Sheet No. 8, Sheet CE-4.1, entitled "Proposed Road Profile and Plan", dated May 6, 2014, revised July 3, 2014; Sheet No. 9, Sheet CE-5.1, entitled "Site Details," dated May 6, 2014, revised July 3, 2014; Sheet No. 10, Sheet CE-5.2, entitled "Site Details," dated May 6, 2014, revised July 3, 2014; Sheet No. 11, Sheet CE-5.3, entitled "Site Details," dated May 6, 2014, revised July 3, 2014; Sheet No. 12, Sheet L1, entitled "Landscape Plan," dated May 6, 2014, revised July 3, 2014; Sheet No. 13, Sheet L2, entitled "Landscape Notes and Details," dated May 6, 2014, revised July 3, 2014.
- Exhibit 21- Stormwater Management Hydrology Calculations, Rockwood Lane Subdivision, 36 Rockwood Lane, Needham, MA, prepared by Samiotes Consultants, Inc., 20 A Street, Framingham, MA 01701, dated May 6, 2014, revised July 3, 2014.
- Exhibit 22 - Letter to Tara Gurge, Needham Health Department, from Chris Kotsiopoulos, dated July 22, 2014.
- Exhibit 23 - Email to Tara Gurge, Needham Health Department from Peter Barbieri, Attorney, dated July 24, 2014.
- Exhibit 24 - Letter from residents of Tudor Road, Richard Road, Rockwood Lane, to Lee Newman, Director of Planning and Community Development, dated July 31, 2014.
- Exhibit 25 - Letter from Janet Bernardo, Senior Project Manager, Horsley Witten Group, to Lee Newman, Director of Planning and Community Development, dated July 31, 2014.
- Exhibit 26 - Letter from Robert T. Smart, Jr., Attorney, to Lee Newman, Director of Planning and Community Development, dated July 31, 2014.

- Exhibit 27 - Materials concerning zoning compliance submitted by Robert T. Smart, Jr., Attorney, received, August 6, 2014.
- Exhibit 28 - Email from Janet Bernardo, Senior Project Manager, Horsley Witten Group, to Lee Newman, Director of Planning and Community Development, dated August 11, 2014.
- Exhibit 29 - Letter from Edwin Harwood, 133 Tudor Road, to the Planning Board, dated August 10, 2014.
- Exhibit 30 - Letter from Alice Schwartz, 133 Tudor Road, to the Planning Board, dated August 14, 2014.
- Exhibit 31 - Letter from Carl and Brigid O'Hara, 107 Tudor Road, to the Planning Board, dated August 18, 2014.
- Exhibit 32 - Email from Don Boroson, 139 Tudor Road, to the Planning Board, dated August 21, 2014.
- Exhibit 33 - Letter from George Giunta, Jr., Attorney, to Lee Newman, Director of Planning and Community Development, dated August 26, 2014.
- Exhibit 34 - Letter to Planning Board Members and Lee Newman, Director of Planning and Community Development, from Stephen Garvin, Samiotes Consultants, Inc., dated August 25, 2014.
- Exhibit 35 - Particle Size Analysis, prepared by UMass Extension, Center for Agriculture, prepared for Samiotes Consultants, dated August 20, 2014.
- Exhibit 36 - Commonwealth of Massachusetts Form 11 – Soil; Suitability Assessment for On-Site Sewage Disposal, five submitted for Deep Hole Observation Numbers: 6, 2, 4, 9A, and 7.
- Exhibit 37 - Approximate Storm Drainage Maintenance Cost, prepared by Samiotes Consultants, Inc., 20 A Street, Framingham, MA 01701, dated August 22, 2014.
- Exhibit 38 - 2015 Landscape Maintenance Proposal, prepared by Labadini Corporation, 355 Boston Post Road West, Marlborough, MA 01752, dated August 19, 2014.
- Exhibit 39 - Landscape Operations and Maintenance Plan.
- Exhibit 40 - Plan entitled, "Rockwood Lane Subdivision, Rockwood Lane, Needham, Massachusetts", prepared by Samiotes Consultants, Inc., 20 A Street, Framingham, MA 01701, Radner Design Associates, Inc., 945 Concord Street, Suite 100, Framingham, MA 01701, consisting of eleven (11) Sheets; Sheet No. 1, entitled "Subdivision Plan of Land", dated May 6, 2014, revised July 3, 2014 and August 25, 2014; Sheet 2, Sheet CS-1.1, entitled "Soil Erosion and Sediment Control Plan", dated May 6, 2014, revised July 3, 2014 and August 22, 2014; Sheet No. 3, Sheet CE-1.1, entitled "Site Layout Plan", dated May 6, 2014, revised July 3, 2014 and August 22, 2014; Sheet No. 4, Sheet CE-2.1, entitled "Site Grading Plan", dated May 6, 2014, revised July 3, 2014 and August 22,

2014; Sheet No. 5, Sheet CE-5.3, entitled "Site Details," dated May 6, 2014, revised July 3, 2014 and August 22, 2014; Sheet No. 6, CE-5.4, entitled "Infiltration System Sections," dated May 6, 2014, revised August 22, 2014; Sheet No. 7, Sheet CE-1.1a, entitled "Site Layout Plan," dated May 6, 2014, revised July 3, 2014 and August 22, 2014; Sheet No. 8, Sheet CE-2.1a, entitled "Site Grading Plan," dated May 6, 2014, revised July 3, 2014 and August 22, 2014; Sheet No. 9, Sheet CE-3.1a, entitled "Site Utilities Plan," dated May 6, 2014, revised July 3, 2014 and August 22, 2014; Sheet No. 10, Sheet L1, entitled "Landscape Plan," dated May 6, 2014, revised July 3, 2014 and August 22, 2014; Sheet No. 11, Sheet L2, entitled "Landscape Notes and Details," dated May 6, 2014, revised July 3, 2014 and August 22, 2014.

- Exhibit 41 - Plan Sheet CC-1.1 prepared by Samiotes Consultants, Inc., 20 A Street, Framingham, MA 01701, entitled "Cut and Fill Plan," dated August 22, 2014.
- Exhibit 42 - Letter from Robert T. Smart, Jr., Attorney, to Lee Newman, Director of Planning and Community Development, dated September 11, 2014 with attachments.
- Exhibit 43 - Letter from Richard Road and Rockwood Lane Residents, undated, received September 29, 2014 with photos.
- Exhibit 44 - Drainage Calculations, prepared by Samiotes Consultants, Inc., 20 A Street, Framingham, MA 01701, dated September 26, 2014.
- Exhibit 45 - Plan entitled, "Rockwood Lane Subdivision, Rockwood Lane, Needham, Massachusetts", prepared by Samiotes Consultants, Inc., 20 A Street, Framingham, MA 01701, Radner Design Associates, Inc., 945 Concord Street, Suite 100, Framingham, MA 01701, consisting of nine (9) Sheets; Sheet No. 1, entitled "Subdivision Plan of Land", dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; Sheet No. 2, Sheet CE-1.1, entitled "Site Layout Plan", dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; Sheet No. 3, Sheet CE-3.1, entitled "Site Utilities Plan", dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; Sheet No. 4 Sheet CE-4.1, entitled "Proposed Road Profile and Plan", dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; Sheet No. 5, Sheet CE-5.3, entitled "Site Details," dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; Sheet No. 6, CE-5.4, entitled "Infiltration System Sections," dated May 6, 2014, revised August 22, 2014 and September 26, 2014; Sheet No. 7, Sheet L1, entitled "Landscape Plan," dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; Sheet No. 8, Sheet L2, entitled "Planting Details," dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; Sheet No. 9, Sheet L3, entitled "Landscape Details," dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014.
- Exhibit 46 - Plan entitled, "Rockwood Lane Subdivision, Rockwood Lane, Needham, Massachusetts", prepared by Samiotes Consultants, Inc., 20 A Street, Framingham, MA 01701, consisting of 2 sheets, Sheet CE-1.1a, entitled "Site Layout Plan," dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; Sheet CE-3.1a, entitled "Site Utilities Plan," dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014.

- Exhibit 47 - Email from Peter Barbieri, Attorney, dated October 1, 2014 with attached Declaration of Restrictions, Declaration of Trust and exhibits, and Easement Plan.
- Exhibit 48 - Letter from Robert T. Smart, Jr., Attorney, to Lee Newman, Director of Planning and Community Development, dated October 3, 2014.
- Exhibit 49 - Letter from John Lee and Susan Liang, 85 Richard Road, to the Planning Board, undated, received October 6, 2014.
- Exhibit 50 - Letter from Carl and Brigid O'Hara, 107 Tudor Road, to the Planning Board, dated October 6, 2014.
- Exhibit 51 - Plan entitled, "Rockwood Lane Subdivision, Rockwood Lane, Needham, Massachusetts", prepared by Samiotes Consultants, Inc., 20 A Street, Framingham, MA 01701, Radner Design Associates, Inc., 945 Concord Street, Suite 100, Framingham, MA 01701, Sheet CE-5.3, entitled "Site Details," dated May 6, 2014, revised July 3, 2014, August 22, 2014, September 26, 2014 and October 7, 2014.
- Exhibit 52 - Sheet entitled "Noise Conditions," prepared by the Applicant, received October 7, 2014.
- Exhibit 53 - Letter to Lee Newman, Director of Planning and Community Development, from George Giunta, Jr., Attorney, dated October 7, 2014.
- Exhibit 54 - Letter to Theodora Eaton, Town Clerk, from Lee Newman, Director of Planning and Community Development, dated October 10, 2014 with attachment.
- Exhibit 55 - Email from Peter Barbieri, Attorney, dated October 21, 2014 with attached Declaration of Restrictions, Declaration of Trust and exhibits, Quitclaim Deed and Easement Plan.
- Exhibit 56 - Plan entitled, "Rockwood Lane Subdivision, Needham, Massachusetts", prepared by Radner Design Associates, Inc., 945 Concord Street, Suite 100, Framingham, MA 01701, Sheet L1, entitled "Landscape Plan," dated May 6, 2014, revised July 3, 2014, August 22, 2014, September 26, 2014 and October 31, 2014.
- Exhibit 57 - "Infiltration System Size" table.
- Exhibit 58 - Rockwood Lane Subdivision, Stormwater Management Summary, prepared by Samiotes Consultants, Inc., 20 A Street, Framingham, MA 01701, dated May 6, 2014, revised July 7, 2014, September 26, 2014, submitted October 31, 2014. (hard copy received November 3, 2014).
- Exhibit 59 - Letter to Lee Newman, Director of Planning and Community Development, from Chris Kotsiopoulos, dated October 31, 2014.



- Exhibit 60 - Letter to Lee Newman, Director of Planning and Community Development, from Peter R. Barbieri, Attorney, dated November 3, 2014.
- Exhibit 61 - Letter from Robert T. Smart, Jr., Attorney, to Lee Newman, Director of Planning and Community Development, dated November 4, 2014 with attached redlined Declaration of Restrictions, Declaration of Trust, and Quitclaim Deed.
- Exhibit 62 - Email from Elizabeth Grimes, Planning Board Member, to Alexandra Clee, Assistant Town Planner, dated November 5, 2014 with attached redlined Road Maintenance & Improvement Plan, Declaration of Trust, and Declaration of Restrictions.
- Exhibit 63 - Email from George Giunta, Jr., Attorney, to Alexandra Clee, Assistant Town Planner, dated November 5, 2014 with attached Approximate Storm Drainage Maintenance Cost, dated August 22, 2014 and Construction Period Pollution Prevention and Erosion Control Operation and Maintenance Plan, July 2014.
- Exhibit 64 - Letter to Lee Newman, Director of Planning and Community Development, from George Giunta, Jr., Attorney, dated November 6, 2014.
- Exhibit 65 - Letter to Theodora Eaton, Town Clerk, from Lee Newman, Director of Planning and Community Development, dated November 6, 2014 with attachment.
- Exhibit 66 - Letter from Carol and Brigid O'Hara, 107 Tudor Road, to the Planning Board, dated November 7, 2014 with two photos.
- Exhibit 67 - Letter from Peter Barbieri, Attorney, to Lee Newman, Director of Planning and Community Development, dated November 26, 2014 with attached Homeowners' Trust with exhibits, Declaration of Restrictions with Exhibits, Deed, and Easement.
- Exhibit 68 - Construction Minimization and Mitigation Measures, received December 3, 2014.
- Exhibit 69 - Document Response, received December 4, 2014.
- Exhibit 70 - Letter from Gregg Fradkin, 99 Tudor Road, to Lee Newman, Director of Planning and Community Development, dated December 8, 2014.
- Exhibit 71 - Letter from John Lee and Susan Liang, 85 Richard Road, to the Planning Board, dated December 8, 2014, with attached plot plan.
- Exhibit 72 - Letter from Robert T. Smart, Jr., Attorney, to Lee Newman, Director of Planning and Community Development, dated December 15, 2014.
- Exhibit 73 - Email from Don Boroson, 139 Tudor Road, to the Planning Board, dated December 11, 2014.
- Exhibit 74 - Plan entitled, "Rockwood Lane Subdivision, Needham, Massachusetts", prepared by Radner Design Associates, Inc., 945 Concord Street, Suite 100, Framingham, MA 01701, Sheet L1, entitled "Landscape Plan," dated May 6,



2014, revised July 3, 2014, August 22, 2014, September 26, 2014 October 31, 2014 and December 18, 2014.

Exhibit 75 - Plan entitled, "Rockwood Lane Subdivision, Rockwood Lane, Needham, Massachusetts", prepared by Samiotes Consultants, Inc., 20 A Street, Framingham, MA 01701, Radner Design Associates, Inc., 945 Concord Street, Suite 100, Framingham, MA 01701, consisting of eighteen (18) Sheets; Sheet No. 1, Cover Sheet, entitled "Definitive Subdivision Plan, Rockwood Lane Subdivision, Needham, Massachusetts", dated May 6, 2014, revised July 3, 2014, August 22, 2014, September 26, 2014, October 31, 2014 and December 18, 2014; Sheet No. 2, Sheet EX-1.1, entitled "Existing Conditions Plan", dated May 6, 2014; Sheet No. 3, entitled "Subdivision Plan of Land", dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; Sheet 4, Sheet CS-1.1, entitled "Soil Erosion and Sediment Control Plan", dated May 6, 2014, revised July 3, 2014 and August 22, 2014; Sheet No. 5, Sheet CE-1.1, entitled "Site Layout Plan", dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; Sheet No. 6, Sheet CE-1.1a, entitled "Site Layout Plan," dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; Sheet No. 7, Sheet CE-2.1, entitled "Site Grading Plan", dated May 6, 2014, revised July 3, 2014 and August 22, 2014; Sheet No. 8, Sheet CE-2.1a, entitled "Site Grading Plan", dated May 6, 2014, revised July 3, 2014 and August 22, 2014; Sheet No. 9, Sheet CE-3.1, entitled "Site Utilities Plan", dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; Sheet No. 10, Sheet CE-3.1a, entitled "Site Utilities Plan," dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014. Sheet No. 11 Sheet CE-4.1, entitled "Proposed Road Profile and Plan", dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; Sheet No. 12, Sheet CE-5.1, entitled "Site Details," dated May 6, 2014, revised July 3, 2014; Sheet No. 13, Sheet CE-5.2, entitled "Site Details," dated May 6, 2014, revised July 3, 2014; Sheet No. 14, Sheet CE-5.3, entitled "Site Details," dated May 6, 2014, revised July 3, 2014, August 22, 2014, September 26, 2014 and October 7, 2014; Sheet No. 15, CE-5.4, entitled "Infiltration System Sections," dated May 6, 2014, revised August 22, 2014 and September 26, 2014; Sheet No. 16, Sheet L1, entitled "Landscape Plan," dated May 6, 2014, revised July 3, 2014, August 22, 2014, September 26, 2014, October 31, 2014 and December 18, 2014; Sheet No. 17, Sheet L2, entitled "Planting Details," dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; Sheet No. 18, Sheet L3, entitled "Landscape Details," dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014.

Sheet CE-1.1a, entitled "Site Layout Plan," dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; Sheet CE-3.1a, entitled "Site Utilities Plan," dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014.

Exhibit 76 - Letter to Alexandra Clee, Assistant Town Planner, from Michael Radner, Radner Design Associates, Inc., dated December 18, 2014.

Exhibit 77 - Letter from Peter Barbieri, Attorney, to Lee Newman, Director of Planning and Community Development, dated December 22, 2014 with attached Declaration of Trust.

- Exhibit 78 - Letter from Michael Radner, Radner Design Associates, Inc., to Alexandra Clee, Assistant Town Planner, dated December 18, 2014.
- Exhibit 79 - Letter from Stephen Gavin, Samiotes Consultants Inc., to the Planning Board and Lee Newman, Director of Planning and Community Development, dated January 5, 2015.
- Exhibit 80 - Letter to Lee Newman, Director of Planning and Community Development, from George Giunta, Jr., Attorney, dated January 8, 2015 with attachment.
- Exhibit 81 - Estimated Construction Schedule, Rockwood Lane Extension, dated January 8, 2015.
- Exhibit 82 - Letter to Lee Newman, Director of Planning and Community Development, from George Giunta, Jr., Attorney, dated January 9, 2015.
- Exhibit 83 - Letter from Robert T. Smart, Jr., Attorney, to Lee Newman, Director of Planning and Community Development, dated January 20, 2015.
- Exhibit 84 - Letter to Theodora Eaton, Town Clerk, from Lee Newman, Director of Planning and Community Development, dated January 21, 2015 with attachment.
- Exhibit 85 - Interdepartmental Communication (IDC) to the Board from Anthony DelGaizo, Town Engineer, dated June 10, 2014, August 29, 2014, October 7, 2014, October 23, 2014, December 15, 2014, December 22, 2014, and January 12, 2015; IDC to the Board from Paul F. Buckley, Fire Chief, Needham Fire Department, dated May, 29, 2014, May 30, 2014, June 4, 2014 and August 28, 2014; IDC to the Board from John Kraemer, Police Lt., Needham Police Department, dated May 13, 2014 and July 11, 2014; and IDC to the Board from Tara Gurge, Agent, Needham Board of Health, dated July 1, 2013, May 28, 2014, July 17, 2014, July 30, 2014.

Submitted for their deliberations following the close of the public hearing were the following exhibits.

- Exhibit 86 - Modification received from the Town of Needham Engineering Department on February 18, 2015 to the "Construction Minimization and Mitigation Measures", submitted by the Petitioner on December 3, 2014 (Exhibit 68).
- Exhibit 87- Requested modifications to "Rockwood Lane Subdivision Construction Period Pollution Prevention Plan and Erosion Control Operation and Maintenance Plan", dated July 2014 and comprising a portion of Stormwater Management Hydrology Calculations, Rockwood Lane Subdivision, 36 Rockwood Lane, Needham, MA, prepared by Samiotes Consultants, Inc., 20 A Street, Framingham, MA 01701, dated May 6, 2014, revised July 3, 2014 (Exhibit 21), received from the Town of Needham Engineering Department on February 19, 2015.

Exhibit 88 - Email from Peter Barbieri, Attorney, to Lee Newman, Director of Planning and Community Development, dated February 5, 2015 with attached Declaration of Trust.

Exhibits 41, 44, 58 and 75 are referred to hereinafter as the Plan.

The Board by a vote of 4-1 hereby APPROVES the Subdivision, as shown on the Plan, located in Needham, Norfolk County, Massachusetts, to be recorded herewith, for the reasons and subject to the plan modifications, conditions and waivers herein set forth. On the motion to approve the Subdivision Board members Bruce T. Eisenhut, Martin Jacobs, Jeanne S. McKnight, and Elizabeth J. Grimes voted in the affirmative with Board member Sam Bass Warner voting in the negative. The approval herein granted is based on the Plan entitled, "Rockwood Lane Subdivision, Rockwood Lane, Needham, Massachusetts", prepared by Samiotes Consultants, Inc., 20 A Street, Framingham, MA 01701, Radner Design Associates, Inc., 945 Concord Street, Suite 100, Framingham, MA 01701, consisting of eighteen (18) Sheets; Sheet No. 1, Cover Sheet, entitled "Definitive Subdivision Plan, Rockwood Lane Subdivision, Needham, Massachusetts", dated May 6, 2014, revised July 3, 2014, August 22, 2014, September 26, 2014, October 31, 2014 and December 18, 2014; Sheet No. 2, Sheet EX-1.1, entitled "Existing Conditions Plan", dated May 6, 2014; Sheet No. 3, entitled "Subdivision Plan of Land", dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; Sheet 4, Sheet CS-1.1, entitled "Soil Erosion and Sediment Control Plan", dated May 6, 2014, revised July 3, 2014 and August 22, 2014; Sheet No. 5, Sheet CE-1.1, entitled "Site Layout Plan", dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; Sheet No. 6, Sheet CE-1.1a, entitled "Site Layout Plan," dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; Sheet No. 7, Sheet CE-2.1, entitled "Site Grading Plan", dated May 6, 2014, revised July 3, 2014 and August 22, 2014; Sheet No. 8, Sheet CE-2.1a, entitled "Site Grading Plan", dated May 6, 2014, revised July 3, 2014 and August 22, 2014; Sheet No. 9, Sheet CE-3.1, entitled "Site Utilities Plan", dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; Sheet No. 10, Sheet CE-3.1a, entitled "Site Utilities Plan," dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014. Sheet No. 11 Sheet CE-4.1, entitled "Proposed Road Profile and Plan", dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; Sheet No. 12, Sheet CE-5.1, entitled "Site Details," dated May 6, 2014, revised July 3, 2014; Sheet No. 13, Sheet CE-5.2, entitled "Site Details," dated May 6, 2014, revised July 3, 2014; Sheet No. 14, Sheet CE-5.3, entitled "Site Details," dated May 6, 2014, revised July 3, 2014, August 22, 2014, September 26, 2014 and October 7, 2014; Sheet No. 15, CE-5.4, entitled "Infiltration System Sections," dated May 6, 2014, revised August 22, 2014 and September 26, 2014; Sheet No. 16, Sheet L1, entitled "Landscape Plan," dated May 6, 2014, revised July 3, 2014, August 22, 2014, September 26, 2014, October 31, 2014 and December 18, 2014; Sheet No. 17, Sheet L2, entitled "Planting Details," dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; Sheet No. 18, Sheet L3, entitled "Landscape Details," dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014.

1. The Board hereby waives compliance with the following requirements of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, having found that such action is in the public interest and is not inconsistent with the intent and purposes of the Subdivision Control Law.

a) The Board hereby waives the requirements of Section 3.3.1 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require that all streets be laid out to a width of 50 feet and approves instead a 40-foot wide right-of-way, as shown on the Plan, as modified by this Decision. The above-named waiver is subject to the

provisions of paragraphs 3 through 13 of this Decision. In the granting of this waiver, the Board acknowledged that the existing right-of-way width for the public portion of Rockwood Lane is 40 feet and that an extension of the private portion of Rockwood Lane at a 40 foot right-of-way width was appropriate. Additionally, the Board found a right-of-way width of 40 feet to be sufficient to accommodate the 9 lot residential subdivision.

b) The Board hereby waives the requirements of Section 3.3.1 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require that all streets be paved to a width of 24 feet and approves instead a pavement width of 20 feet, as shown on the Plan, as modified by this Decision. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this Decision. In the granting of this waiver, the Board acknowledged that the existing pavement width for the public portion of Rockwood Lane is 20 feet and that an extension of the private portion of Rockwood Lane at a pavement width of 20 feet was appropriate. Additionally, the Board found a pavement width of 20 feet to be sufficient to accommodate the 9 lot residential subdivision.

c) The Board hereby waives the requirements of Section 3.3.1 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require that the maximum grade of a street not exceed eight percent, and approves instead an eight and one-half percent (8.5%) grade at the locale of the new roadway connection to the existing Rockwood Lane pavement for a distance not to exceed 100 feet, as shown on the Plan, as modified by this Decision. In the granting of this waiver, the Board considered the unique topographic features of the land as shown on the Plan.

d) The Board hereby waives the requirements of Section 3.3.16 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require the construction of a sidewalk in accordance with the "Standard Specifications" of the Town of Needham along both sides of Rockwood Lane and approves instead a walkway on only one side of the street, as shown on the Plan, as modified by this Decision. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this Decision. In the granting of this waiver, the Board considered that by means of limiting the amount of impervious surface on the site the objective that the drainage system design would be adequate to serve the needs of the 9 residential lots would be addressed so as to minimize off-site drainage impacts on neighboring properties.

e) The Board hereby waives the requirements of Section 3.3.5 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require that all cul-de-sacs have a minimum radius of 60 feet and approves instead a hammerhead, as shown on the Plan, as modified by this Decision. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this Decision. In the granting of this waiver, the Board considered the Plan and the specific goal of minimizing tree removal at the rear of Lot 6 and Lot 7 which would otherwise be required if a 60 foot radius diameter circle turnaround was to be required.

f) The Board hereby waives the requirements of Section 3.6.1 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require that all streets be constructed in accordance with the standard street cross-section and approves instead the cross-section as shown on the Plan, showing a 20-foot pavement width, a sidewalk along one side of the roadway and a uniform cross slope towards one side of the roadway instead of a crowned cross section. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this Decision. In the granting of this waiver, the Board considered all matters described in sections 1.a, 1.b, 1.c, 1.d and 1.e above.

g) The Board hereby waives the requirements of Section 3.3.6 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require that bituminous concrete berms be installed along both sides of the roadway at the edge of pavement in a continuous manner and waives the requirement for the placement of cape cod berm along the west side of the proposed roadway, as shown on the Plan, as modified by this Decision. The above-named waiver is subject to the provisions of paragraphs 3 through 13 of this Decision. In the granting of this waiver, the Board considered the need to allow the drainage on the west side of the roadway to flow unimpeded to the swale located east of the roadway as shown on the Plan.

2. Petitioner shall cause the Plan and documents to be revised to show the following additional or revised information which modifications shall be subject to review and approval of the Board prior to endorsement of the Plan:

a) The Plan shall be revised to show a speed bump at the juncture of the private portion of Rockwood Lane with the public portion of Rockwood Lane and which is located entirely on the private portion. Said speed pump shall be installed if the Petitioner is unable to secure approval for a stop sign at the intersection of Rockwood Lane and Richard Road as further described in paragraph 29 of this Decision. In the event that a speed bump is required, as noted herein, it shall be installed at the time the final coat of pavement is laid on the new roadway.

b) The "Rockwood Lane Subdivision Construction Period Pollution Prevention Plan and Erosion Control Operation and Maintenance Plan", dated July 2014 and comprising a portion of the "Stormwater Management Hydrology Calculations, Rockwood Lane Subdivision, 36 Rockwood Lane, Needham, MA", prepared by Samiotes Consultants, Inc., 20 A Street, Framingham, MA 01701, dated May 6, 2014, revised July 3, 2014 (Exhibit 21), shall be revised to incorporate the recommendations of the Town of Needham Engineering Department as detailed in Exhibit 87.

c) The Plan shall be revised to include a Stormwater Pollution Prevention Plan and further revised to provide for the timely installation of erosion control measures.

3. The waiver of street construction requirements, as fully set forth in paragraphs 1.a, 1.b, 1.c, 1.d, 1.e, 1.f, and 1.g is expressly conditioned upon and subject to the restriction that neither the owner nor any successor owner or owners of Lot 1, Lot 2, Lot 3, Lot 4, Lot 5, Lot 6, Lot 7, Lot 8 or Lot 9 as shown on the Plan (hereinafter referred to individually as a Lot or collectively as the Lots) shall use the Lots for any purpose other than single-family residential use or Lot owner home occupations as allowed under the Zoning By-Law, as shown on the Plan, as approved by the Board and recorded herewith, and there shall be no further division of the Lots as shown thereon without the prior written approval of the Planning Board.

4. Each and every owner or owners of any Lot shall be jointly and severally responsible and liable, and shall fulfill all lot owners' obligations under the Rockwood Estates Homeowners Trust Agreement, for the costs of the maintenance, repair and reconstruction of the Private Way shown on the Plan and designated thereon and all services, (whether the services are located within the Private Way or in areas shown partially on the Private Way and partially on a Lot), the installation of which are required in connection with this approval, or which may be installed at any time, including, without limitation, maintenance, repair and reconstruction of roadways, water, sewer and drainage facilities and other utilities and related equipment, curbs, monuments, sidewalks, landscaping and street signs, as and whenever necessary, and including all actions of any kind or nature necessary or appropriate in order to maintain the Private Way in a good, safe and passable condition, including snow plowing, providing access from each Lot to the public

portion of Rockwood Lane, as shown on the Plan, and providing adequate services to each Lot, all in accordance with these conditions. The Rockwood Estates Homeowners Trust shall maintain a dedicated capital reserve account having a minimum balance of \$10,000 to meet the obligations of this section.

5. Each and every owner or owners of any Lot shall be jointly and severally responsible and liable, and shall fulfill all Lot owners' obligations under the Rockwood Estates Homeowners Trust Agreement, for all maintenance, repairs and reconstruction required for or on the Private Way in compliance with and in conformity with requirements of the Town of Needham and other requirements imposed by law or governmental authority. The within requirement shall be included in all deeds of the Lots.

6. The Trustees under the Rockwood Estates Homeowners Trust Agreement and each owner of a Lot shall not use or permit use of the Private Way for any purpose other than ingress and egress from the Lots by the residents of the Lots and their guests and invitees, such use to be limited to pedestrian and private-passenger vehicular traffic, and such other vehicular traffic as is necessary from time to time in cases of emergency, delivery of customary and usual household services and equipment or in connection with the maintenance, repair or reconstruction of the Private Way, the Lot, and any structures thereon and services installed thereon, or hereunder.

7. No owner or owners of any Lot shall park or cause to be parked any motor vehicle on the Private Way. A no parking sign shall be posted on the turn-around abutting Lot 6 stating "No Parking Emergency Vehicles Only".

8. Neither the Lot owner nor the Trustees under the Rockwood Estates Homeowners Trust Agreement shall perform, nor shall they permit changes to be made to any Lot, which would impact the functionality or design of the drainage improvements as shown on the Plan.

9. Any and all maintenance, repair or reconstruction work performed on or to the Private Way or in connection with services installed thereon or hereunder by or at the direction of any owner or owners of any Lot or the Trustees under the Rockwood Estates Homeowners Trust Agreement as provided herein shall be carried out so as to ensure that no fill material nor any products or excavation or erosion resulting from or arising in connection with such work shall be discharged into any storm drainage system, and soil and other material or debris shall be removed from the site only if such removal will not impact the functionality or design of the drainage improvements shown on the Plan, and only to the extent necessary in connection with such work.

10. No Lot owner nor the Trustees under the Rockwood Estates Homeowners Trust Agreement shall at any time request that the Private Way be laid out or accepted as a public way in the Town of Needham unless such owner or owners or Trustees at its or their sole expense, perform and complete such work as is necessary to cause the Private Way to comply with all standards and regulations of the Town of Needham without waiver, and obtain all permits and approvals required by law in connection therewith. If the Private Way is accepted by the Town of Needham as a public way at any time, then the provisions hereof applicable to ownership and maintenance of the Private Way shall thereupon terminate.

11. No Lot owner nor the Trustees under the Rockwood Estates Homeowners Trust Agreement, shall at any time request or petition that any drainage system, water pipes, sewer pipes or related equipment or any other improvement within the subdivision for which design or improvement requirements have been waived by the Board as provided herein, be accepted or maintained by the Town of Needham.

12. The Town of Needham and its designees shall have the right to enter upon the Private Way for all purposes for which public ways are used in the Town of Needham.

13. In any sale or transfer by the owner or any successor owner of any of the Lots, the deed or other instrument shall refer to and incorporate conditions 3 through 12 inclusive and condition 15, and any conveyance shall include transfer of a fee interest or the perpetual right and easement to use the Private Way in common with others lawfully entitled thereto for all purposes for which public ways in the Town of Needham may now or hereafter be used consistent with the provisions hereof, and the subsurface areas, equipment and facilities used and maintained in connection with the provision of water, sewer, drainage and other utility services provided to the conveyed premises. Any deed or other instrument purporting to transfer or convey any interest in any Lot or Lots which does not expressly refer to and incorporate these conditions shall nevertheless be deemed to contain the same and in all events shall be subject thereto.

14. The Petitioner shall deliver to the Board a Restrictive Covenant incorporating conditions 3 through 12 inclusive and condition 15 of this Decision in a form suitable for recording in the Registry of Deeds that shall run with the land and shall be enforceable by the Town. Such restriction shall be referenced on the Plan and shall be recorded therewith. Said covenant shall be enforceable in perpetuity or for the longest period permitted by law and in any event for 100 years.

15. The Petitioner shall grant a 13-foot wide pedestrian access easement to the Town of Needham as a condition of this approval. The pedestrian access easement as shown on the Plan generally runs over the westerly edge of Lot 6. The 13-foot access easement is to be used by members of the public for walking and as access to Town of Needham property to the north of the subdivision. Gatherings, parties, use of alcoholic beverages or drugs are strictly prohibited. The easement shall only be available between the hours of dawn and dusk. No structures are to be placed within the 13-foot easement area nor are any other improvements permitted which would impede or obstruct the passage of pedestrian access. In accordance with the provisions of MGL Chapter 21, Section 17C, the Petitioner, his successors and assigns shall not be liable for personal injuries or property damage sustained by such members of the public, including without limitation a minor, while on said land resulting from the grant of said easement, in the absence of willful, wanton, or reckless conduct by said Petitioner. Such access shall not confer upon any member of the public using said land, including without limitation a minor, the status of an invitee or licensee to whom any duty would be owed by said Petitioner. In addition to the above-noted 13-foot pedestrian access easement, the Petitioner shall provide a pedestrian access easement across the entirety of the Private Way to be used by members of the public for walking and as pedestrian access to Town of Needham property to the north of the subdivision. Parking of motor vehicles by members of the public shall not be permitted on the Private Way.

It shall not be the responsibility of the Petitioner, and it shall not be a condition precedent to the relief and permissions granted by this Decision, or the construction of the subdivision and sale of Lots, for Petitioner to obtain the acceptance of said easements by the Town of Needham, provided that the Petitioner shall obtain the subordination or partial release of all mortgages or monetary liens encumbering the easement areas and shall deliver same with the easements(s). The Petitioner shall record the noted easements and shall provide an attorney's certification stating that as of the date of the recording of the easement, the Town has a good and clear record and marketable easement.



16. In any sale or transfer by the record owner of Lot 6, as shown on the Plan, or any successor record owner of title to Lot 6, as shown on the Plan, the deed or other instrument shall refer to and incorporate by reference condition 15 of this Decision. Any deed or other instrument purporting to transfer or convey any interest in Lot 6 which does not expressly refer to and incorporate condition 15 shall, nevertheless, be deemed to contain the same and all events shall be subject thereto.

17. Street lighting shall be provided in the subdivision in accordance with the Plan. The light sources shall be on posts at least 10 feet high and shall be controlled by photovoltaic switches. Post lighting shall be supplied as shown on the Plan. The lighting system shall be maintained and the electricity shall be supplied by the Lot owners, and each Lot owner shall fulfill all Lot owner obligations relating thereto under the Rockwood Estates Homeowners Trust Agreement.

18. The Lot owners and the Rockwood Estates Homeowners Trust shall maintain the landscape vegetation within the "20-foot Drainage and Landscape Easement" and the Private Way in accordance with the Plan entitled, "Rockwood Lane Subdivision, Needham, Massachusetts", prepared by Radner Design Associates, Inc., 945 Concord Street, Suite 100, Framingham, MA 01701: Sheet L1, entitled "Landscape Plan," dated May 6, 2014, revised July 3, 2014, August 22, 2014, September 26, 2014, October 31, 2014 and December 18, 2014; Sheet L2, entitled "Planting Details," dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014; and Sheet L3, entitled "Landscape Details," dated May 6, 2014, revised July 3, 2014, August 22, 2014 and September 26, 2014. There shall be no further changes to the landscape approach as depicted on the above-noted plans, which formed the basis of the findings of fact upon which the drainage system design was derived and approved, except as otherwise provided in paragraph 19.

19. There shall be no alteration or change to a Lot so as to effect the drainage system for any Lot, or the drainage systems running across a Lot, as shown on the Plan, as modified by this Decision, without the prior written approval of the Planning Board or Town Engineer as noted below. Any Lot owner who proposes to make a change from the approved Plan shall first file a copy of a plan depicting the proposed changes with the Needham Town Engineer, with a request for a determination as to whether the changes affect the drainage system. If the Town Engineer determines that the changes affect the drainage system, or if the Town Engineer fails to respond to the request for a determination within 45 days, the Lot owner may file the plan with the Planning Board for its review. In such event, the Lot owner shall file with the Planning Board such information as the Planning Board determines necessary for its review. The Planning Board shall hold a public hearing within 60 days of receiving a complete filing. After said public hearing, the Board may, in its sole discretion, find that the proposed changes do not appear to negatively impact down gradient property owners or interfere with the functioning of the drainage system(s) of the Lot or subdivision. In such event the Lot owner, only upon receipt of a written decision from the Planning Board, may implement the changes as shown on the new plan.

20. The Town of Needham shall have the authority with respect to any emergency as relates to the maintenance of the drainage system, to enter and make necessary repairs in order to abate said emergency. Emergency shall be defined as the creation of a condition that results or could result in flooding of adjacent properties, the overloading of the municipal drainage system or the creation of a condition that is injurious to the public health or safety. Within thirty days of invoice by the Town all costs incurred by the Town of Needham in the event of such emergency shall be paid by the Rockwood Estates Homeowners Trust, and if not paid within said thirty days, then such costs shall be assessed against all the Lot owners and shall become a lien on all the Lots in the subdivision which may be collected and enforced in the manner fixed by law for

the collection of taxes. All costs shall include, but shall not be limited to, the cost of materials and the salary costs for all employees involved with the emergency actions. Notice of lien shall be recorded in the Norfolk County Registry of Deeds.

21. Off-street drainage surety in the amount of \$31,500.00 shall be posted (\$3,500.00 per lot) prior to the release of Lots 1-9 inclusive as shown on the Plan for purposes of building or conveyance. As recommended in the memo of the Board of Health dated May 28, 2014, all lots shall be graded to the limits of construction so as to have no standing water and/or otherwise create a public health nuisance. Grading shall not improperly shed or illegally increase drainage onto adjacent properties. All subsequent developers or builders shall be notified of the off-street drainage bond and the specific off-street drainage requirements. If required by the Board of Health, an as-built certified grading plan(s) of all or any of the lots shall be submitted prior to release of the drainage surety.

22. In order to maximize the continued effectiveness of Stormwater Management Best Management Practices for the Rockwood Lane Subdivision, the operations and maintenance requirements as outlined in the "Rockwood Lane Subdivision, Stormwater Management Summary", prepared by Samiotes Consultants, Inc., 20 A Street, Framingham, MA 01701, dated May 6, 2014, revised July 7, 2014, September 26, 2014, submitted October 31, 2014 (Exhibit 58) as revised per the requested modifications of the Town Engineer (Exhibit 87) shall apply to all stormwater facilities within the development. The stormwater facilities are depicted on the Plan and are hereinafter referred to as the "Stormwater Facilities". Operations and maintenance tasks shall be commenced once each respective stormwater facility is fully constructed and is receiving runoff from the new roadway system or house.

23. Prior to subdivision bond release, commencement of the operations and maintenance obligations by the Rockwood Estates Homeowners Trust and/or Petitioner shall be on a Lot by Lot basis and shall commence once each individual stormwater facility construction is substantially complete. Each transfer of operational control to the Rockwood Estates Homeowners Trust shall be documented by a letter to the Planning Board and Department of Public Works indicating the stormwater facilities which are substantially complete and transferred to the Trust for operation and maintenance. The Petitioner shall be responsible for the completion of construction of any stormwater management facilities in accordance with the approved permits and plans.

After subdivision bond release and after completion of the stormwater facilities on a particular Lot, as evidenced by release of the Planning Board bond for the associated items, the Rockwood Estates Homeowners Trust shall be responsible for all operations and maintenance requirements for the stormwater facilities within the "20-foot Drainage and Landscape Easement" and within the Private Way along with any future construction or repair of the stormwater facility. Roof runoff infiltration systems and yard run-off systems located outside of the "20-foot Drainage and Landscape Easement" shall be the responsibility of the owner of each Lot.

24. Operations and Maintenance Tasks shall be completed in accordance with the Rockwood Lane Subdivision, Stormwater Management Summary, prepared by Samiotes Consultants, Inc., 20 A Street, Framingham, MA 01701, dated May 6, 2014, revised July 7, 2014, September 26, 2014, submitted October 31, 2014 (Exhibit 58) as revised per the requested modifications of the Town Engineer (Exhibit 87).

25. Every Lot owner of Lots 1 through 9, as shown on the Plan, shall maintain and keep operational their respective roof runoff system and yard system in accordance with the Plan, as

approved by this Decision, and as further described in the "Rockwood Lane Subdivision, Stormwater Management Summary", prepared by Samiotes Consultants, Inc., 20 A Street, Framingham, MA 01701, dated May 6, 2014, revised July 7, 2014, September 26, 2014, submitted October 31, 2014 (Exhibit 58) as revised per the requested modifications of the Town Engineer (Exhibit 87). Gutters and downspouts shall be maintained in good working order at all times. Care shall be taken to retain the landscaping as shown on the Plan. Any shrubs that die shall be replaced by the Lot owner. The Rockwood Estates Homeowners Trust shall inspect the roof and yard systems once per calendar year shortly after a small rainstorm event to ensure proper operation and to ensure that the runoff from the entire roof area of the house system is draining into the roof system and where applicable, that runoff from the yard is draining into the yard system. Additionally, the landscaping, as shown on the Plan, shall be inspected to assure compliance with the approved landscape plan. Systems shall be replaced/repared by individual Lot owners as needed to ensure their continued operation in accordance with the Plan and the "Rockwood Lane Subdivision, Stormwater Management Summary" (Exhibit 58) as revised per the requested modifications of the Town Engineer (Exhibit 87).

26. Except for the individual house roof and yard systems noted in paragraphs 23 and 25 above, which shall be the responsibility of the owner of the Lot on which said system resides, the Rockwood Estates Homeowners Trust shall be responsible for all future costs and work associated with the reconstruction or replacement of any of the facilities noted on the Plan or in the "Rockwood Lane Subdivision, Stormwater Management Summary" (Exhibit 58), as revised per the requested modifications of the Town Engineer (Exhibit 87), as being the responsibility of the Rockwood Estates Homeowners Trust to maintain. Such facilities include: (a) All stormwater facilities located within the roadway; and (b) All stormwater facilities located within the "20-foot Drainage and Landscape Easement".

27. The following information shall be submitted by the Rockwood Estates Homeowners Trust no later than December 31<sup>st</sup> of each calendar year to the Town of Needham Department of Public Works, Planning Board and Board of Health to assure compliance with the Operations and Maintenance Plan: (a) An updated list of which types of roof and yard systems each lot within the development has employed for use by future inspectors of said systems; (b) statement, signed by an authorized representative of the Rockwood Estates Homeowners Trust indicating that the requirements of the Operations and Maintenance Plan were performed during the previous calendar year, provided that where requirements were not met, a schedule for their completion shall be provided and a follow-up statement submitted when complete; (c) list of the maintenance activities performed along with the approximate date of the work; (d) list of the inspections performed along with a statement by each inspector summarizing the results of the inspections performed in accordance with the approved Operations and Maintenance Plan; (e) copies of appurtenant documentation supporting the completion of the Operations and Maintenance responsibilities such as copies of contracts and/or receipts with parties engaged to perform maintenance and inspection services; (f) notation regarding whether there has been any change in the name or contact information for the Rockwood Estates Homeowners Trust. Additionally, relevant information reasonably requested by the Planning Board shall be provided by the Rockwood Estates Homeowners Trust.

28. The Petitioner has submitted a letter (Exhibit 59) which provides a list of actions that will be taken to address the NPDES Stormwater Phase II requirements: Control Measure #1- "Public Education and Outreach" and Control Measure #2, "Public Participation/Involvement". Petitioner shall implement said measures as proposed prior to the release of the subdivision lots.

29. The Petitioner shall review placement of a stop sign at the intersection of Rockwood Lane and Richard Road with the Town of Needham Traffic Management Advisory Committee and if approved by said Committee shall coordinate its installation with the Department of Public Works.

30. The Planning Board has determined that the project's scale, complexity and potential impacts warrants the use of outside consultants (such as engineers) to ensure compliance with the approved subdivision plan and all other relevant laws and regulations. Such assistance shall include, but shall not be limited to, monitoring or inspecting the project site for compliance with the Board's decisions or regulations and inspecting the project during construction and implementation. Accordingly, following approval of the definitive subdivision plan and before actual construction begins, the Petitioner shall provide a detailed work program and associated work schedule for project construction and implementation to the Director of Public Works. The noted work program and schedule shall provide the basis for determining the initial Project Inspection Fee required hereunder. The Project Inspection Fee as estimated by the Needham Department of Public Works and approved by the Planning Board shall be provided by the Petitioner for deposit in an account established pursuant to G.L. c. 44, s. 53G (53G Account). No work shall commence on the subdivision until the fee has been paid in full. Should the balance in the required 53G account fall below 25% of the initial Project Inspection Fee, as noted above, the Planning Board may require the Petitioner to provide a supplemental Project Inspection Fee to cover the cost of the remaining inspection process.

31. The Petitioner shall follow the Construction Minimization and Mitigation measures outlined in the Construction Minimization and Mitigation Measures Plan (Exhibit 86). Mitigation measures shall include, but are not limited to: (1) use of blasting as the preferred form of ledge and rock removal, to reduce or eliminate the need for hoe rams (generally used for ledge and subsurface rock removal during site development), rock drills and pile drivers, as well as rock crushing devices (hereinafter "Impact Devices"); (2) sufficient drill hole density at the blast site to minimize large boulders that would require subsequent hoe ramming to process such boulders into smaller rocks. Boulders resulting from blasting shall not be processed into smaller rocks at the site but shall be removed to an appropriate site outside of Needham for this purpose. Additionally, rock crushing activities shall not be permitted at the site but shall only be conducted at an appropriate location outside of Needham. The Petitioner shall establish a 24-hour construction hotline to investigate and resolve all noise complaints to the satisfaction of the Planning Board. The name of the construction supervisor and contact information shall be mailed to the abutting residents prior to the start of site construction.

32. A schedule indicating days and hours of all planned use of Impact Devices, if required, shall be developed and provided to the Building Commissioner, Town Engineer, Board of Health Director and Planning Board at least one week before any such planned activity. A daily log shall be kept for the length of the project recording the days and hours of the use of specific Impact Devices. Non-compliance with the Construction Minimization and Mitigation Measures Plan and the conditions of this Decision may result in the issuance of cease and desist orders by the Building Commissioner, to be enforced by the Police Department as necessary.

33. The Petitioner shall follow the Rockwood Lane Subdivision Construction Period Pollution Prevention Plan and Erosion Control Operation and Maintenance Plan, dated July 2014. (Exhibit 68 as revised per the requested modifications of the Town Engineer as detailed in Exhibit 87).

34. The Petitioner shall follow the Rockwood Lane Landscape Operations and Maintenance Plan, undated (Exhibit 39) and the 2015 Landscape Maintenance Proposal, prepared by Labadini

Corporation, 355 Boston Post Road West, Marlborough, MA 01752, dated August 19, 2014 (Exhibit 38).

35. Following approval of the definitive subdivision plan and before actual construction begins the Petitioner shall meet with the Director of Public Works and his staff. The Petitioner is urged to bring his engineer, roadway contractor and lot developers to this pre-construction meeting. Any problems contemplated in the construction phase, as well as inspection status, contact persons, etc. will be discussed, as well as procedures to be followed. A summary of said meeting, as prepared by the Department of Public Works Director, shall be initialed by himself and the Petitioner and forwarded to the Director of Planning and Community Development.

36. A Construction Access Plan shall be submitted for approval by the Needham Police Chief and if so approved shall be submitted to the Needham Building Inspector for approval. Said plan shall show proposed truck delivery routes to and from Route 128 to the subject site and authorized delivery times for enforcement purposes. Not intended for inclusion in the Construction Access Plan are passenger vehicles, pick-up trucks and panel trucks all with a maximum weight of three (3) tons. No construction shall begin until the Construction Access Plan has been approved. All contractors, subcontractors and vendors shall be contractually required to agree to the requirements of the Construction Access Plan to work on this project. The Petitioner shall post signs on-site regarding approved truck delivery routes and authorized delivery times for enforcement purposes. On school days, construction traffic shall be eliminated to the subdivision, between the hours of 8:00 a.m. and 8:30 a.m., and between the hours of 2:30 p.m. and 3:00 p.m. On early release days, construction traffic shall be eliminated to the subdivision, between the hours of 8:00 a.m. and 8:30 a.m., and between the hours of 12:00 p.m. and 12:30 p.m.

37. The following safeguards shall be implemented during construction:

a. The hours of construction and construction related activities shall be limited to 7:30 a.m. to 6:00 p.m. Monday through Saturday.

b. The Petitioner's contractor shall designate a person who shall be responsible for the construction process. That person shall be identified to the Police Department, the Department of Public Works, the Building Inspector and the abutters and shall be contacted if problems arise during the construction process. The designee shall also be responsible for assuring that truck traffic and the delivery of construction material does not interfere with or endanger traffic flow on Rockwood Lane. The designee shall supply a phone number where the designee can be reached 24 hours per day.

c. The Petitioner shall take appropriate steps to minimize, to the maximum extent feasible, dust generated by the construction, including, but not limited to, requiring subcontractors to place covers over open trucks transporting construction debris or materials to or from the site and keeping Rockwood Lane clean of dirt and debris and watering appropriate portions of the construction site from time to time as may be necessary.

d. The Petitioner shall install and maintain a tire tracking pad for trucks leaving the site before they enter onto the public portion of Rockwood Lane.

38. All trees having a caliper of 6 inches as measured three feet off the ground bordering "Rockwood Lane" and on the site shall be retained and not disturbed or destroyed during

construction of the subdivision except for those trees which must be removed for the construction of the proposed way, driveways, utilities, and dwellings and uses accessory thereto.

39. Prior to site alteration the Petitioner shall mark in the field those trees which the landscape plan indicates will be retained. Such trees identified to be preserved shall be distinguished with appropriate markings, which may include surrounding fences or stakes. Any such trees removed which were identified for retention shall be replaced with trees of similar quality and caliper or as otherwise approved by the Board.

40. A Department of Environmental Protection sewer extension and connection permit may be required to service the subdivision and abutting lots. If required, approval of this subdivision is subject to the granting by the Board of Selectmen and the Department of Environmental Protection of a Sewer Extension and Connection Permit.

41. Any and all special permits required by the Massachusetts Water Resources Authority shall be obtained at the expense of the Petitioner.

42. A special sewer connection permit program fee shall be paid for all lots within the subdivision.

43. Grade adjustment rings are not permitted to adjust gate boxes and/or other castings. The Petitioner shall use appropriately sized castings.

44. All catch basins shall remain functional at all times. Rims shall be set at binder elevation and shall be adjusted to finish course elevation prior to placement of the top course of pavement.

45. If the binder course of pavement is exposed to one winter season, it shall be chipsealed prior to September 1 of the following winter season. If the roadway work is not completed prior to the third winter season, road reconstruction may be required by the Highway Superintendent.

46. During initial construction, no openings to the chipseal shall be made between the months of November 30 and April 1 prior to the placement of the top course of pavement.

47. The construction, operation and maintenance of the subdivision shall be conducted in accordance with the EPA's Memorandum of Understanding signed by the Board of Selectmen.

48. "As-built" construction plans of the sewer, water and drainage utilities shall be submitted to the Department of Public Works and the Planning Board for review and approval prior to release of the respective performance bond amounts.

49. All future sewer tie-ins to properties located outside of this subdivision shall be accomplished in a manner consistent with the "Town of Needham Master Plan of Connection to the MWRA Sewer" dated January 8, 1988, (as revised) and prepared by the Needham Public Works, Sewer Division.

50. Prior to the commencement of any street construction within the subdivision, the location of future street lighting, location of fire alarm circuits and outlets, and the location of underground power to serve these shall be shown on an amended version of the definitive utility plan to be filed with the Board and Public Works Department.

51. The provisions of M.G.L., Chapter 131, Section 40 and 40A and the Needham Wetlands Protection By-Law shall be satisfied.
52. All construction staging and parking shall be on-site. No parking of any vehicles related to the construction shall be permitted on Richard Road, the public portion of Rockwood Lane, or on any other public street.
53. All areas where utilities are proposed shall be compacted to the satisfaction of the Public Works Department.
54. In the absence of any details or waivers set forth herein, the current Subdivision Regulations and Procedural Rules of the Planning Board shall govern and are hereby made a part of this Decision. All construction details not specifically shown on the approved Plan shall conform to Department of Public Works specifications.
55. The developer is directed to submit the Subdivision Inspection Form during all phases of construction as required, in accordance with Appendix E of the Subdivision Regulations and Procedural Rules of the Planning Board.
56. Notwithstanding the provisions of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, the Petitioner shall have two years from the date of endorsement of the Plan to complete the installation and construction of Rockwood Lane, and the services provided therein, in accordance with the applicable Subdivision Regulations and Procedural Rules of the Planning Board. Failure to so complete shall automatically rescind approval of the Subdivision Plan unless an extension is otherwise granted by the Planning Board.
57. The Petitioner shall enter a written agreement to guarantee completion, once commenced, of the required improvements for all Lots in the Subdivision, as shown on the Plan, with such construction and installation to be additionally secured by one of the methods delineated under the provisions of Section 3.5.1. Such agreement shall be subject to review and approval of the Planning Board prior to endorsement of the Plan.
58. The Petitioner has delivered to the Planning Board for its review and approval an easement deed to the Town of Needham granting to the Town the right to pass on foot or by vehicle over the Private Way, and over the "13-foot Wide Access Easement" on Lot 6 and access rights over the "20-foot Drainage and Landscape Easement" on each of the Lots (Exhibit 67), a Declaration of Restrictions (Exhibit 67), and Rockwood Estates Homeowners Trust Agreement (Exhibit 88) ("the Documents"). The Petitioner shall finalize the Documents to address the requirements of this Decision and of Town Counsel and shall submit the Documents to the Planning Board for final review and approval of the Board prior to endorsement of the Plan. The Petitioner shall deliver to the Planning Board for its review and approval a duly executed Subdivision Covenant and a duly executed Restrictive Covenant, in a form approved by the Board and incorporating the conditions of this Decision, (the "Covenants"). The Covenants and Documents shall be referenced on the Plan and all documents shall be recorded with the Plan.
59. Prior to the release of any lots for building or sale, copies of the recorded instruments described in paragraphs 14, 15, 16, and 58 of this Decision and copies of the recorded plan shall be provided to the Planning Director. Prior to the release of Lot 6 copies of the recorded instruments described in paragraph 15 of this Decision shall be provided to the Planning Director.



60. The Petitioner shall present the Plan to the Board for proper endorsement within ninety (90) days of the date this Decision is executed unless such time period is extended, in writing, by the Board. The Board reserves the right to rescind its approval if said Plan is not presented to the Board for endorsement within the time period herein specified. Further, the Petitioner or his authorized representative shall submit the Plan to the Planning Director fourteen (14) days in advance of its scheduled presentation to the Planning Board to allow adequate time to review the revised Plan for compliance with the conditions of this Decision.

The foregoing have been stated for the purpose of emphasizing their importance and are not intended to be all inclusive or to negate any provision of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board.

Under the provisions of the Town of Needham, Subdivision Regulations and Procedural Rules of the Planning Board and Massachusetts General Laws, Chapter 41, Sections 81-K through 81-GG, inclusive, the Board shall have the power to modify or amend the terms and conditions of this approval after due notice on the application of the owner, lessee or mortgagee of the premises or upon its own motion. All the provisions of the Subdivision Control Law applicable to approval shall, where appropriate, be applicable to such modification or amendment. Such power is hereby reserved. Appeals, if any, shall be made pursuant to Section 81-BB of the Massachusetts General Laws, Chapter 41, and shall be filed within twenty (20) days after the date of filing this Decision with the Town Clerk.

The provisions of this Approval and Conditions shall be binding upon every owner or owners of each of the lots, as shown on the Plan, and the executors, administrators, heirs, successors and assigns of such owners, and the obligations and restrictions herein set forth shall run with said land in full force and effect for the benefit of and enforceable by the Town of Needham. Reference to this Approval shall be entered upon the Plan and this Approval shall be recorded in the Norfolk Registry of Deeds with the Plan. The Lot Owner agrees to reimburse the Town for its reasonable costs in connection with the enforcement of and/or the correction of violations of the conditions of this permit. Counsel for the Petitioner shall certify to the Town that this approval and all easement and restrictive covenants required hereunder have been recorded and are effective record encumbrances upon the subject property.

